



# PROPOSED RULE MAKING

**CR-102 (June 2004)**

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Agriculture

- ☒ Pre-proposal Statement of Inquiry was filed as WSR 05-05-050; or  
☐ Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or  
☐ Proposal is exempt under RCW 34.05.310(4).

- ☒ Original Notice  
☐ Supplemental Notice to WSR \_\_\_\_\_  
☐ Continuance of WSR \_\_\_\_\_

Title of rule and other identifying information: (Describe Subject) WAC 16-303-020 Schedule of charges – Billing policies and procedures, WAC 16-303-200 Seed Program testing fees, WAC 16-303-210 Fees for special seed tests; WAC 16-303-250 Miscellaneous charges for seed services, WAC 16-303-310 Organization for economic cooperation and development scheme for varietal certification (O.E.C.D.) fees, and WAC 16-303-320 Certification fees for seed certified by the department.

Hearing location(s):  
Washington State Department of Agriculture  
21 North First Avenue  
Suite 238 B Conference Room  
Yakima, WA 98902

**Submit written comments to:**

Name: George Huffman  
Address: P.O. Box 42560  
Olympia, WA 98504-2560  
E-mail [ghuffman@agr.wa.gov](mailto:ghuffman@agr.wa.gov)  
Fax: (360) 902-2085 by (date) 5 p.m. on May 11, 2005

Date: May 11, 2005 Time: 11:00 a.m.

**Assistance for persons with disabilities:** Contact theAgency Receptionist by calling

TTY (360) 902-1996 or (360) 902-1976

Date of intended adoption: May 25, 2005  
(Note: This is NOT the effective date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The purpose of this proposal is to amend chapter 16-303 WAC so the fees charged for certain Seed Program activities reflect current seed industry production practices. The anticipated effects of these proposed changes will be a fee structure that will ensure that the program recovers the full cost of services provided.

**The changes to existing rules include:**

- Increases to certain fees beyond the Office of Financial Management fiscal growth rate factor to cover the cost of providing seed certification services;
- Establish a new fee for services currently provided for free;
- Modify certification fees to create an equitable fee structure based upon crop yields; and
- Correct typographical, spelling and similar errors.

**Reasons supporting proposal:** The proposed modifications are necessary to ensure the WSDA Seed Program collects sufficient revenue for certification services to cover the cost of providing said services. In addition these proposals modify certain fees to better align them with the value of the service provided and bring equitability in the fee structure so commodity groups pay the same rate for certification services.

**Statutory authority for adoption:** Chapter 25, Laws of 2003, 2003 1<sup>st</sup> Special Session, Section 309(2), RCW 15.49.310, RCW 15.49.370(3), and Chapter 34.05 RCW

**Statute being implemented:** RCW 15.49.370(3)**Is rule necessary because of a:**

- |                         |                              |  |
|-------------------------|------------------------------|--|
| Federal Law?            | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision?   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If yes, CITATION:

**CODE REVISER USE ONLY**CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

APR 6 2005

TIME

WSR

AM  
PM

DATE: April 6, 2005

NAME (type or print) Robert W. Gore

SIGNATURE

TITLE Assistant Director

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None

Name of proponent: (person or organization) The Washington State Department of Agriculture.

☐ Private  
☐ Public  
☒ Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting.....Victor Shaul, Operations Manager	Yakima	(509) 225-2682
Implementation..Victor Shaul, Operations Manager	Yakima	(509) 225-2682
Enforcement.....Fawad Shah, Program Manager	Yakima	(509) 225-2636

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

☒ No. Explain why no statement was prepared. RCW 19.85.030(1)(a) requires that an agency must prepare a small business economic impact statement (SBEIS) for proposed rules that impose a more than minor costs on businesses in an industry. The department surveyed the 107 entities affected by the proposed fee amendments. The survey was very simple and straightforward. It simply asked if the respondent supported the department's proposal or not. Forty entities responded to the survey (37.4%). Thirty-four respondents (87.2%) supported the proposal. Five respondents (12.8%) opposed the proposal. One respondent reported that he was not affected by the proposal because he was no longer in the seed business. Based upon the survey responses received, the department has concluded that the proposed Seed Program amendments have strong industry support and do not impose a "more than minor impact" upon the industry. Therefore, a formal SBEIS is not required.

Is a cost-benefit analysis required under RCW 34.05.328?

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

☒ No: Please explain: The Washington State Department of Agriculture is not a listed agency in RCW 34.05.328(5)(a)(i).

AMENDATORY SECTION (Amending WSR 01-01-015, filed 12/6/00, effective 1/6/01)

**WAC 16-303-020 Schedule of charges--Billing policies and procedures.** (1) Accounts.

(a) All billable services provided for under chapter 15.49 RCW are due and payable upon billing by the department. For the convenience of established accounts and in accord with good business practices, the department provides a monthly billing service. Accounts not paid in full within thirty days of billing are considered delinquent.

(b) On all debts due and payable after July 28, 1991, all delinquent accounts are assessed a late charge equal to one and one-half percent per month, or portion of a month, on the unpaid balance.

(c) Except for established accounts where there is a reasonable expectation of additional charges during a calendar month, the minimum billable amount through the monthly billing system is twenty dollars. All billable services of less than twenty dollars are due and payable on the date that service is rendered.

(d) No person with an account ninety days or more in arrears may receive service except on the basis of payment in full at the time service is rendered. Accounts in arrears may be subject to legal action for collection and are not restored to monthly billing status until all past due amounts are paid-in-full.

(e) Accounts that become ninety or more days in arrears twice within a five-year period may be subject to a permanent requirement for payment in full at the time service is provided.

(2) Unless otherwise provided for in rule, requests for refund fees or assessments must be submitted to the department by June 30 of the year following payment of the fee or assessment.

(3) Fees for services not listed in rule are set on the basis of the actual cost to the department of agriculture, or the most appropriate fee established by rule.

AMENDATORY SECTION (Amending WSR 03-18-071, filed 8/29/03, effective 9/29/03)

**WAC 16-303-200 Seed program testing fees.** Seed testing fees are as follows:

(1)

Category	Crop kind	PURITY	GERM/1	TZ	Additional Crops in each Category/2
1	Agricultural Grasses	37.00	22.60	41.83	Alkaligrass, Bermudagrass, Canarygrass, Foxtail, Switchgrass, Timothy, Zoysia
2	Alfalfa & Clover	28.78	24.66	41.83	Alfalfa, Black Medic, Clover, Lupine, Milkvetch, Sainfoin, Trefoil
3	Beans	26.72	24.66	41.83	Beans
4	Beets	39.06	43.16	41.83	Beets, Swiss chard, spinach
5	Bentgrass, redtop	65.78	34.94	41.83	Bentgrass, redtop
6	Bluegrass	45.22	30.82	41.83	Bluegrass, all types
7	Brassica sp.	69.88	34.94	41.83	Brassica Species
8	Brome	47.28	24.66	41.83	<b>Brome:</b> Mountain, Smooth, Meadow
9	Fescue	37.00	24.66	41.83	<b>Fescue:</b> Tall and Meadow
10	Fescue, all others	45.22	24.66	41.83	<b>Fescue:</b> Arizona, Blue, Blue Hard, chewings, creeping, Hard, Idaho, Red, Sheep
11	Flax	28.78	24.66	41.83	Lewis flax
12	Orchardgrass	51.38	26.72	41.83	Orchardgrass
13	Peas <u>and other large seeded legumes</u>	28.78	24.66	41.83	Peas, (( <del>other large seeded legumes</del> )) <u>Chickpeas, Lentil</u>
14	Primrose	28.78	24.66	41.83	Primrose
15	Ryegrass	45.22	22.60	41.83	Ryegrass, (Perennial or Annual)
16	Small burnet	28.78	24.66	41.83	Small burnet
17	Sudangrass	28.78	24.66	41.83	Sudangrass
18	Vegetables	28.78	24.66	45.00	<b>Vegetables:</b> Asparagus, (( <del>Cabbage</del> )) Cantaloupe, Carrot, Celery, (( <del>Chard</del> )) Corn, Coriander, Cucumber, Dill, Eggplant, Endive, (( <del>Kale</del> )) Leek, Lettuce, Okra, Onion, Parsley, Parsnip, Pepper, Pumpkin, Radish, Squash, Tomato, (( <del>Turnip</del> )) Watermelon
19	Grains and Pulses	28.78	24.66	41.83	Wheat, Triticale, Sunflower, Sorghum, Safflower, Rye, Rice, Millet, (( <del>Lentils</del> )) Buckwheat, Barley, Oats, (( <del>Chickpeas</del> )) Vetch
20	Wheatgrass, Wildrye, other native sp.	78.12	30.82	41.83	<b>Wheatgrass:</b> Beardless, Bluebunch, Crested, Intermediate, Pubescent, R/S, Slender, Siberian, Tall, Thickspike, Western Wildrye

Category	Crop kind	PURITY	GERM/1	TZ	Additional Crops in each Category/2
					Other Native Species: Echinacea, Green needlegrass, Indian ricegrass, Junegrass, Little bluestem, Needle and Thread, Squirreltail, Kochia, Penstemon, Oatgrass, Prairie sandreed, Sand dropseed, Sand Lovegrass, Sideoats grama

/1 Standard 400 seed germination test.

(2) Crops not listed in the above table will be charged by the category that they fit into.

AMENDATORY SECTION (Amending WSR 03-18-071, filed 8/29/03, effective 9/29/03)

**WAC 16-303-210 Fees for special seed tests.**

Test	Fee	Additional Information
(1) All states noxious weed examination	\$ 33.38	
(2) <b>Dormant Seed Test</b>	\$ 41.83	
((3)) (2) (a) For crops requiring a 400 seed TZ as required in the AOSA rules. This fee also applies to paired tests when required by AOSA rules	\$ 83.66	
((4)) (3) Brassica seed chemical identification	\$ 20.94	
((5)) (4) Cold (vigor) test for wheat	\$ 65.00	
((6)) (5) <b>Crop or weed exam</b>		Standard noxious amount from AOSA rules
Turf-type and other small seeded grasses	\$ 38.00	Kentucky bluegrass, timothy, alkaligrass, fine-leaved fescues
Small seeded legumes and medium seeded crops	\$ 44.00	Brassicas, ryegrass, tall fescue
Wheatgrass and native species	\$ 50.00	
Grains and pulses	\$ 22.00	
((7)) (6) Fescue seed ammonia test	\$ 30.82	
((8)) (7) Fluorescence test (400 seed test)	\$ 26.72	
((9)) (8) Miscellaneous services, samples requiring extra time, field run samples, etc.	\$ 30.00/hour	
((10)) (9) Pest and disease (phyto exam) or soil exam	\$ 34.94	

Test	Fee	Additional Information
<del>((+1))</del> (10) Quarantine tests on seed		
Bluegrass and Bentgrass	\$ 18.04/5 grams	
Other grasses	\$ 18.04/10 grams	
<del>((+2))</del> (11) Rules test--Canadian	PURITY	GERMINATION
Alfalfa, clover, peas, lentils	\$ 32.37	\$ 24.66
Kentucky bluegrass	\$ 49.34	\$ 30.82
Bentgrass	\$ 72.47	\$ 34.94
<del>((+3))</del> (12) Rules test--I.S.T.A.	PURITY	GERMINATION
Alfalfa, clover, peas, lentils	\$ 32.37	\$ 30.82
Kentucky bluegrass	\$ 49.34	\$ 30.82
<del>((+4))</del> (13) Moisture test	\$ 30.00	
<del>((+5))</del> (14) Seed Count	\$ 21.84	
<del>((+6) Outstanding)</del> (15) Out-sourcing charge	\$ 15.00	
<del>((+7))</del> (16) Sod seed analysis	Bluegrass \$ 75.00 Fescue \$ 52.00 Ryegrass \$ 42.00	
<del>((+8))</del> (17) Sodium Hydroxide test for presence of red and/or white wheat	\$ 20.54	
	(\$ 18.04	Reported on seed analysis certificate))
<del>((+9))</del> (18) Undesirable grass species test (includes an all states noxious test) examination (UGS test)	\$ 70.37	

AMENDATORY SECTION (Amending WSR 03-18-071, filed 8/29/03, effective 9/29/03)

**WAC 16-303-250 Miscellaneous charges for seed services.** Fees for miscellaneous department seed services are as follows:

Service	Fee
Rush samples (including phone or FAX report if requested at time sample is submitted)	\$ 15.00
High priority sample - purity result completed before the end of the next business day. (Special circumstances only. Call ahead for availability.)	\$ 150.00
Phone reports on test result, per call	\$ 7.18
Preliminary report on germination	\$ 20.00
Additional mailing of report	\$ 5.12
	each destination

Service	Fee
Additional copies of reports	\$ 5.12 minimum fee
Revised reports	\$ 10.26 minimum (hourly fee when applicable)
Fee for special shipping and handling service, for example Federal Express, Air Parcel or air freight	\$ 3.70 plus exact shipping cost
Fee for facsimile transmission of documents	\$ ((5.39)) 1.00 per document
Mileage - additional or special requested trips	As established by the Washington State Office of Financial Management
Stand-by time - \$ 30.00/hour or travel time	Travel time to be charged when special trip is requested.
Sample envelopes	Customer will be charged the exact cost of the envelopes.

AMENDATORY SECTION (Amending WSR 03-18-071, filed 8/29/03,  
effective 9/29/03)

**WAC 16-303-310 Organization for economic cooperation and  
development scheme for varietal certification (O.E.C.D.) fees.** In  
addition to fees required by applicable Washington certification  
rules, the following fees shall apply to all seed tagged O.E.C.D.  
and is payable by the person requesting O.E.C.D. certificate. The  
certifying agency may require fees paid in advance:

Service	Fee	Additional Information
O.E.C.D. certificate	\$ 15.41 each	
O.E.C.D. grow out test	\$ 65.72 each entry	No charge for control entry
O.E.C.D. assessment	cost to program	
O.E.C.D. tagging fee	\$ 0.84/cwt.	<u>All grasses except tall fescue</u>
	<u>\$ 0.51/cwt.</u>	<u>Tall fescue</u>
	\$ 0.53/cwt.	all other crops

AMENDATORY SECTION (Amending WSR 03-18-071, filed 8/29/03, effective 9/29/03)

**WAC 16-303-320 Certification fees for seed certified by the department.** (1) Fees apply to both new and renewal applications.

The seed processor is responsible for seed certification fees including sampling, testing, production and final certification fees, and may accept responsibility for any other additional fees associated with certification. Fees for services such as O.E.C.D. and sod quality, etc., are in addition to the fees listed in this section.

Seed	Applica- tion Fee 1/	<u>Seedling field inspection fee</u>	Seedling producing or field inspection Fee 2/	Late Application Penalty Fee	Reinspection Fee (other than isolation)	Production Fee (includes tagging) 7/	Seed shipped Out-of-State (uncleaned)
Alfalfa, Red clover, White clover and Trefoil	\$ <del>((23-12))</del> 30.00 per variety per grower	<u>\$ 50.00/field</u>	\$ 1.85/acre	\$ 41.00	\$ 53.44 ea. field	\$ 0.53/cwt. 5/	\$ 0.20/cwt.
Bean	\$ <del>((23-12))</del> 30.00 per variety per grower	<u>N/A</u>	\$ 1.85/acre 3/ (one inspection) \$ 3.70/acre 4/ (two inspections)	\$ 41.00	\$ 53.44 ea. field	\$ 0.53/cwt.	\$ 0.20/cwt.
Turnip, Rutabaga	\$ <del>((23-12))</del> 30.00 per field	<u>N/A</u>	\$ 3.70/acre (two inspections)	\$ 41.00	\$ 53.44 each field	\$ 0.53/cwt.	\$ 0.20
Perennial Grasses 6/	\$ <del>((23-12))</del> 30.00 per field	<u>\$ 50.00/field</u>	<del>\$ ((41-00))</del> 50.00 per field	\$ 41.00	\$ 53.44 each field	Option A \$ 0.84/cwt. for all grass except tall fescue \$ 0.51/cwt. tall fescue Option B \$ 1.17/cwt. (min. \$ 11.66)	\$ 0.31
Corn	\$ <del>((23-12))</del> 30.00 for each separate combinat ion/or isolation	<u>N/A</u>	\$ 50.00 first acre \$ 10.99 ea. additional acre except hybrid corn \$ 4.85 ea. additional acre	-----	-----	-----	-----
Annual grasses	\$ <del>((23-12))</del> 30.00 per field	<u>N/A</u>	\$ 1.85/acre	\$ 41.00 per field	-----	\$ 0.42/cwt.	\$ 0.20



Seed	Applica- tion Fee 1/	<u>Seedling field inspection fee</u>	Seedling producing or field inspection Fee 2/	Late Application Penalty Fee	Reinspection Fee (other than isolation)	Production Fee (includes tagging) 7/	Seed shipped Out-of-State (uncleaned)
Rapeseed	\$ ( <del>23.12</del> ) 30.00 per variety per grower	<u>N/A</u>	\$ 1.85/acre (one inspection)	\$ 41.00 per grower	\$ 53.44 ea. field	\$ 0.53/cwt.	\$ 0.20

- 1/ Seed certification application due dates can be found in WAC 16-302-050.
  - 2/ Seedling producing or field inspection fees are refundable if the acreage is withdrawn before the inspection is completed. In the case of bean seed, fees are required of seedling fields to be harvested for certification the year of planting.
  - 3/ One inspection is required for Great Northern Red Mexican, pinto, pink, and small white bean.
  - 4/ Includes windrow inspection which is required for certification of snap beans, kidney beans, and eligibility for shipment into the state of Idaho.
  - 5/ Production fees are billed at completion of laboratory analysis tests. If no seed is tagged, \$ 0.10 of the \$ 0.53 per cwt. production fee is refundable.
  - 6/ Option A: Inspection and final certification fees are based on pounds sampled and billed upon completion of required laboratory tests.  
Option B: Inspection and final certification fees are based on pounds tagged after required laboratory tests are completed. Those dealers requesting sampling and tagging privileges and/or participation in Option B must sign a memorandum of agreement that shall expire on June 30 of each year. The memorandum may be terminated by the director if the conditioner violates certification standards or requirements of memorandum.
  - 7/ Does not include shipping and handling charge.
- (2) Other fees associated with grass seed certification:  
Out-of-state origin seed tagged with interagency certification tags.

Grass Option A:           \$ 0.31 per cwt.  
Grass Option B:           \$ 0.68 per cwt.  
Reissuance of cert. tags:   \$ 0.11 per tag or minimum  
  fee of \$ 11.66